THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23252 OF 2005

Dt.28.10.2005

Between:

Ceelam Pentaiah w/o.Chinnaiah,

… Petitioner

And

The Special Deputy Grade Collector and

Revenue Divisional Officer, Chevella

Division, Ranga Reddy District and another … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner questions the proceedings of the first respondent – Revenue Divisional Officer, Chevella Division, Ranga Rededy District, dated 12.9.2005 in cancelling his authorization of Fair Price Shop dealership of Chennaipally Village, Gandeed Mandal, Ranga Reddy District. A show cause notice dated 13.9.2004 was issued to the petitioner alleging that he has committed irregularities of misusing I.S.L rice of 69.50 quintals and involved in the theft of release orders from the Mandal Revenue Office, Gandeed Mandal, and also lifting in 38.00 quintals of rice from M.L.S Point Pargi, and therefore the petitioner has contravened certain conditions under the A.P.State Public Distribution System (Control) Order, 2001 in running the said Fair Price Shop. The petitioner submitted his explanation dated

30.9.2004, which was submitted on 1.10.2004. With regard to the first charge levelled against the petitioner, he submitted that he never misused the I.L.S rice of 69.50 quintals and it is also submitted that he lifted 100 quintals of rice from the M.L.S point, Pargi and distributed the same to the labourers as per their entitlement of the coupons issued by the Panchayat Secretary, Reddypally Gram Panchayat and he also preserved the said coupons and properly maintained the Issue Register recording the particulars of the name of the coupon holder, coupon number and quantity of the rice issued. With regard to the second charge, the petitioner submits that there is no basis for the M.R.O., Gandeed to suspect his bona fide carrying of the business and truth will come out if proper investigation or enquiry is conducted in this regard. Basing on the remarks submitted by the Mandal Revenue Officer on the explanation of the petitioner, the first respondent has passed the impugned order stating that the dealer deserves for punishment and accordingly cancelled the authorization of the petitioner.

The way in which the first respondent passed the impugned order appears that he has not at all considered the explanation submitted by the petitioner or the remarks of the Mandal Revenue Officer and the said order is without any application of mind and without any reasons. Therefore, I am of the opinion that the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order dated 12.9.2005 and the first respondent is directed to consider the explanation submitted by the petitioner after giving reasonable opportunity to the petitioner for being representing his case and a reasoned order may be passed in accordance with law. Till then, the petitioner may be permitted to carry on his business as Fair Price Shop dealer of the said Chennaipally village. No costs.

(V.ESWARAIAH, J.)

28.10.2005

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